

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY)	
AVERAGE WHOLESAL PRICE)	MDL No. 1456
LITIGATION)	
)	CIVIL ACTION: 01-CV-12257 PBS
)	
THIS DOCUMENT RELATES TO)	
Master File No. 01-CV-12257-PBS)	Judge Patti B. Saris
)	
)	Chief Mag. Judge Marianne B. Bowler
)	

STATUS REPORT JANUARY 1, 2009

Pursuant to the Court's June 17, 2004 Procedural Order, the undersigned counsel for Plaintiffs and Defendants hereby submit the attached status report to the Court listing the status of all pending motions to date.

Respectfully Submitted,

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ON BEHALF OF ALL PLAINTIFFS

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CERTIFICATE OF SERVICE

I hereby certify that I, Thomas M. Sobol, an attorney, caused a true and correct copy of the foregoing **Status Report** to be delivered to all counsel of record by electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by sending on January 2, 2009, a copy to LexisNexis File & Serve for posting and notification to all parties.

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MDL 1456 STATUS CHART – GOVERNMENT ENTITY CASES

GOVERNMENT ENTITY CASES	MDL DOCKET NUMBER	ORIGINAL JURISDICTION	STATUS
State of Nevada v. Dey, Inc., et al., Case No. 3:06-539	n/a	Removed to D. Nev.	<ul style="list-style-type: none"> July 24, 2007 – Order of Reference for Alternative Dispute Resolution [Docket No. 4508] <ul style="list-style-type: none"> September 5, 2007 – Amended Order of Reference for Alternative Dispute Resolution [Docket No. 4709]
California ex rel. Ven-A-Care of the Florida Keys, Inc. v. Abbott Labs., Inc. et al.	03-CV-11226-PBS	Removed to C.D. Cal.	<ul style="list-style-type: none"> January 17, 2006 – Defendant ZLB Behring LLC's Individual Memorandum of Law in Support of Defendants' Motion to Dismiss the First Amended Complaint [Docket No. 2050] <ul style="list-style-type: none"> March 2, 2006 – Plaintiffs' Memorandum in Opposition to Defendant ZLB Behring, LLC's Individual Motion to Dismiss the First Amended Complaint [Docket No. 2181] April 3, 2006 - Reply in Support of Defendant ZLB Behring LLCs Individual Memorandum of Law in Support of Defendants Motion to Dismiss the First Amended Complaint-in-Intervention [Docket No. 2343] April 17, 2006 – Plaintiffs' Sur-Reply to Defendants' Joint and Individual Motions to Dismiss the First Amended Complaint [Docket No. 2431] February 13, 2006 – Boehringer Ingelheim Pharmaceuticals, Inc.'s Motion to Dismiss and Joinder in Defendants' Motion to Dismiss the First Amended Complaint-In-Intervention [Docket No. 2133] <ul style="list-style-type: none"> April 3, 2006 – Separate Reply in Support of Defendants' Joint Motion to Dismiss the First Amended Complaint in Intervention of Boehringer Ingelheim Pharmaceuticals, Inc. and Boehringer Ingelheim Corporation [Docket No. 2346] April 11, 2006 – Notice of Proposed Case Management Order Pursuant to the Court's March 16, 2006 Ruling [Docket No. 2414] April 28, 2006 – Stipulated Motion for Order Permitting Deposition of Harvey Weintraub (former Warrick Vice President) [Docket No. 2497] July 24, 2007 – Order of Reference for Alternative Dispute Resolution [Docket No. 4508] <ul style="list-style-type: none"> November 15, 2007 – Amended Order of Reference for Alternative Dispute Resolution [Docket No. 4895] November 5, 2008 – State of California's Cross Motion for an Order to Produce Michael T. Ricks for Rule 30(a)(2)(B) Deposition [Docket No. 5666] <ul style="list-style-type: none"> November 6, 2008 – Dey Defendants' Opposition to the United States' Motion for an Order to Produce Michael T. Ricks for Rule 30(a)(2)(B) Deposition and California's Cross

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<p>California <i>ex rel.</i> Ven-A-Care of the Florida Keys, Inc. v. Abbott Labs., Inc. et al.</p>			<p>Motion in Support of Dey's Cross-Motion for a Protective Order [Docket. No. 5669], November 6, 2008 – Declaration of Sarah L. Reid in Support of Dey Defendants' Opposition to the United States' Motion for an Order to Produce Michael T. Ricks for Rule 30(a)(2)(B) Deposition and California's Cross-Motion and in Support of Day's Cross-Motion for a Protective Order [Docket No. 5670]</p> <ul style="list-style-type: none"> November 6, 2008 – Dey Defendants' Cross Motion for a Protective Order (re: Michael T. Ricks Deposition) [Docket. No. 5668] <ul style="list-style-type: none"> November 6, 2008 – Dey Defendants' Opposition to the United States' Motion for an Order to Produce Michael T. Ricks for Rule 30(a)(2)(B) Deposition and California's Cross Motion in Support of Dey's Cross-Motion for a Protective Order [Docket. No. 5669], November 6, 2008 – Declaration of Sarah L. Reid in Support of Dey Defendants' Opposition to the United States' Motion for an Order to Produce Michael T. Ricks for Rule 30(a)(2)(B) Deposition and California's Cross-Motion and in Support of Day's Cross-Motion for a Protective Order [Docket No. 5670] December 30, 2008 – Motion for Dismissal of Ben Venue Laboratories, Inc. and Bedford Laboratories [Docket. No. 5807]
<p>U.S. ex rel. Ven-A-Care of the Florida Keys, et al. v. Abbott Laboratories, Inc., et al., Case No. 1:06-21303</p>	n/a	S.D. Fla.	<ul style="list-style-type: none"> July 11, 2006 – Conditional Transfer Order (30) transferring <i>Ven-A-Care of the Florida Keys, Inc., et al. v. Abbott Laboratories, Inc., et al.</i>, S.D. Fla., Case No. 1:06-21303, to D. Mass. <ul style="list-style-type: none"> July 26, 2006 – No Notice of Opposition filed January 24, 2007 – Plaintiffs' "Notice to the Court of Motion Fully Briefed" [Docket No. 3584] <ul style="list-style-type: none"> January 25, 2007 - Abbott Laboratories, Inc.'s Opposition to Plaintiffs' "Notice to the Court of Motion Fully Briefed" [Docket No. 3591] July 24, 2007 – Unopposed Motion by the United States' for Leave to File Post-Hearing Notice of Supplemental Authority Relating to Abbott's Motion to Compel Adequate Responses to Abbott's Discovery Requests [Docket No. 4496] <ul style="list-style-type: none"> August 2, 2007 - Abbott Laboratories, Inc.'s Unopposed Motion for Leave to File Post-Hearing Notice of Supplemental Authority in Support of Abbott's Motion to Compel Adequate Response to Its Discovery Requests [Docket No. 4588] March 3, 2008 – Abbott Laboratories, Inc.'s Motion to Compel Testimony of Government Witnesses [Docket No. 5112] <ul style="list-style-type: none"> March 17, 2008 – Memorandum by the United States in Opposition to Abbott's Motion to Compel Testimony of Government Witnesses [Docket No. 5144] March 21, 2008 – Abbott Laboratories, Inc.'s Unopposed Motion for Leave to File Reply in Support of its Motion to Compel Testimony of Government Witnesses [Docket No. 5151]

GOVERNMENT ENTITY CASES	MDL DOCKET NUMBER	ORIGINAL JURISDICTION	STATUS
Ven-A-Care of the Florida Keys (continued)			<ul style="list-style-type: none"> <ul style="list-style-type: none"> ○ December 2, 2008 – Supplemental Filing of Abbott Laboratories in Support of Its Motion to Compel Testimony of Government Witnesses [Docket No. 5740] • March 31, 2008 – Abbott Laboratories, Inc.’s Motion to Compel Production of Documents from the United States [Docket No. 5173] <ul style="list-style-type: none"> ○ April 25, 2008 – Memorandum by the United States in Opposition to Abbott’s Motion to Compel the Production of Documents [Docket No. 5254] ○ May 2, 2008 – Abbott Laboratories, Inc.’s Unopposed Motion for Leave to File Reply in Support of Its Motion to Compel Production of Documents from the United States [Docket No. 5275] • March 31, 2008 – Motion by the United States for Extension of Time to Produce Documents and Privilege Log [Docket No. 5178] • March 31, 2008 – Motion for Enlargement of Time to Complete Document Production [Docket No. 5181] • November 11, 2008 – Defendants’ Abbot Laboratories, Inc., Dey, Inc., and the Roxane Defendants’ Joint Motion for Appointment of a Special Master [Docket No. 5675] <ul style="list-style-type: none"> ▪ November 11, 2008 – Defendants’ Joint Memorandum in Support of Their Motion for Appointment of a Special Master [Docket No. 5676] ▪ December 8, 2008 – Memorandum by the United States Relating to the <i>In Camera</i> Submission of Documents [Docket No. 5750] ▪ December 31, 2008 – Defendants’ Joint Memorandum in Support of Defendants’ Motion to Compel Relief on Outstanding Deliberative Process Privilege Issues and in Response to the Memorandum of the United States Relating to the <i>In Camera</i> Submission of Documents [Docket No. 5810-2] • December 18, 2008 – United States’ Unopposed Motion to Enlarge Time [Docket No. 5795] • December 18, 2008 – United States’ Objections to December 4, 2008 Order by Magistrate Judge Bowler Regarding the Depositions of Duane Burnham and Thomas Hodgson [Docket No. 5797] • December 31, 2008 – Defendants’ Motion to Compel Relief on Outstanding Deliberative Process Privilege Issues [Docket No. 5810] <ul style="list-style-type: none"> ○ December 31, 2008 – Defendants’ Joint Memorandum in Support of Defendants’ Motion to Compel Relief on Outstanding Deliberative Process Privilege Issues and in Response to the Memorandum of the United States Relating to the <i>In Camera</i> Submission of Documents [Docket No. 5810-2]

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<p>Ven-A-Care of the Florida Keys, et al. v. Dey, Inc., et al., Case No. 05-11084</p>	<p>n/a</p>	<p>S.D. Fla.</p>	<ul style="list-style-type: none"> • November 11, 2008 – Defendants’ Abbot Laboratories, Inc., Dey, Inc., and the Roxane Defendants’ Joint Motion for Appointment of a Special Master [Docket No. 5675] <ul style="list-style-type: none"> ○ November 11, 2008 – Defendants’ Joint Memorandum in Support of Their Motion for Appointment of a Special Master [Docket No. 5676] • December 1, 2008 – Defendants Dey, Inc., Dey, L.P., Inc. and Dey, L.P.’s Motion to Compel the Production of Documents [Docket. No. 5725] <ul style="list-style-type: none"> ○ December 1, 2008 – Defendants Dey, Inc., Dey, L.P., Inc. and Dey, L.P.’s Memorandum of Law in Support of Its Motion to Compel the Production of Documents [Docket. No. 5726], Declaration of Clifford Katz in Support of Defendants Dey, Inc., Dey, L.P., and Dey L.P., Inc.’s Motion to Compel the Production of Documents [Docket No. 5727] • December 2, 2008 – Defendants Dey, Inc., Dey, L.P., and Dey, L.P., Inc.’s Motion to Compel Luis Cobo and Ven-A-Care of the Florida Keys, Inc. to Produce Documents [Docket. No. 5728] <ul style="list-style-type: none"> ○ December 1, 2008 – Defendants Dey, Inc., Dey, L.P. and Dey, L.P., Inc.’s Memorandum of Law in Support of Their Motion to Compel Luis Cobo and Ven-A-Care of the Florida Keys, Inc. to Produce Documents [Docket. No. 5729], Declaration of Clifford Katz in Support of Defendants Dey, Inc., Dey, L.P., and Dey L.P., Inc.’s Motion to Compel Luis Cobo and Ven-A-Care of the Florida Keys, Inc. to Produce Documents [Docket No. 5730] ○ December 16, 2008 – Assented to Joint Motion to Enlarge Time to Respond to Dey, Inc.’s Motion to Compel Luis Cobo and Ven-A-Care of the Florida Keys, Inc. to Produce Documents [Docket No. 5780] ○ December 30, 2008 – Assented to Joint Second Motion to Enlarge Time to Respond to Dey, Inc.’s Motion to Compel Luis Cobo and Ven-A-Care of the Florida Keys, Inc. to Produce Documents [Docket No. 5806] • December 10, 2008 – Defendants Dey, Inc., Dey, L.P., and Dey, L.P., Inc.’s Motion to Extend the Production Deadline for the Limited Purpose of Receiving Medicaid Claims Data from States [Docket. No. 5765] <ul style="list-style-type: none"> ○ December 22, 2008 – United States’ Memorandum in Opposition to Dey’s Motion to Extend the Production Deadline for the Limited Purpose of Receiving Medicaid Claims Data [Docket No. 5800] • December 15, 2008 – Dey Defendants’ Motion to Compel Production of Documents and Rule 30(b)(6) Deposition of Colorado Department of Health Care and Financing [Docket. No. 5770] <ul style="list-style-type: none"> ○ December 15, 2008 – Dey Defendants’ Memorandum of Law in Support of Their Motion to Compel Production of Documents and Rule 30(b)(6) Deposition of Colorado Department of Health Care and Financing [Docket. No. 5771], Declaration of Marisa A. Lorenzo in Support of Defendants Dey, Inc., Dey, L.P., and Dey L.P., Inc.’s Motion to Compel

GOVERNMENT ENTITY CASES	MDL DOCKET NUMBER	ORIGINAL JURISDICTION	STATUS
Ven-A-Care of the Florida Keys, et al. v. Dey, Inc., et al., Case No. 05-11084 (continued)			<p>Production of Documents and Rule 30(b)(6) Deposition of Colorado Department of Health Care and Financing [Docket No. 5772]</p> <ul style="list-style-type: none"> • December 15, 2008 – Dey Defendants’ Motion to Compel Production of Documents Responsive to Subpoena [Docket No. 5776] <ul style="list-style-type: none"> ○ December 15, 2008 – Memorandum of Law in Support of Defendants Dey, Inc., Dey L.P., and Dey L.P., Inc.’s Motion to Compel Documents Responsive to Subpoena [Docket No. 5777], Declaration of Damon W. Suden [Docket No. 5778] ○ December 31, 2008 – United States’ Memorandum in Opposition to Dey’s Motion to Compel Production of Documents Responsive to Subpoena [Docket No. 5808] • December 31, 2008 – Defendants’ Motion to Compel Relief on Outstanding Deliberative Process Privilege Issues [Docket No. 5810] <ul style="list-style-type: none"> ○ December 31, 2008 – Defendants’ Joint Memorandum in Support of Defendants’ Motion to Compel Relief on Outstanding Deliberative Process Privilege Issues and in Response to the Memorandum of the United States Relating to the <i>In Camera</i> Submission of Documents [Docket No. 5810-2]
United States of America ex rel. Ven-a-Care of the Florida Keys, Inc. et al. v. Boehringer Ingelheim Corp., et al., Case No. 07-10248			<ul style="list-style-type: none"> • November 10, 2008 – Motion for Clarification of Order by Magistrate Judge dated October 29, 2008 [Docket No. 5672] • November 11, 2008 – Defendants’ Abbot Laboratories, Inc., Dey, Inc., and the Roxane Defendants’ Joint Motion for Appointment of a Special Master [Docket No. 5675] <ul style="list-style-type: none"> ○ November 11, 2008 – Defendants’ Joint Memorandum in Support of Their Motion for Appointment of a Special Master [Docket No. 5676] • November 13, 2008 – United States’ Motion for a Protective Order Regarding the Roxane Defendants’ Rule 30(b)(6) Notice [Docket No. 5678] <ul style="list-style-type: none"> ○ November 13, 2008 – United States’ Memorandum in Support of Its Motion for a Protective Order Relating to Requests by the Roxane Defendant for Depositions Under Rule 30(b)(6) [Docket No. 5679] ○ November 25, 2008 – Roxane’s Opposition to the Government’s Motion for a Protective Order Relating to Roxane’s Rule 30(b)(6) Request [Docket No. 5712] • November 13, 2008 – Roxane Defendants’ Opposition to United States’ Motion for Leave to File Amended Complaint [Docket No. 5680] <ul style="list-style-type: none"> ○ December 2, 2008 – Reply Brief in Support of United States’ Motion for Leave to File Amended Complaint [Docket No. 5732]

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United States of America ex rel. Ven-a-Care of the Florida Keys, Inc. et al. v. Boehringer Ingelheim Corp., et al., Case No. 07-10248 (continued)			<ul style="list-style-type: none"> November 20, 2008 – Boehringer Ingelheim Roxane, Inc.’s Motion to Compel Production of Documents and Rule 30(b)(6) Deposition of Kansas Health Policy Authority and Memorandum of Law in Support Thereof [Docket No. 5697] <ul style="list-style-type: none"> November 20, 1002 – John W. Reale Affidavit in Support of Motion to Compel Production of Documents and Rule 30(b)(6) Deposition of Kansas Health Policy Authority and Memorandum of Law in Support Thereof [Docket No. 5698] December 31, 2008 – Defendants’ Motion to Compel Relief on Outstanding Deliberative Process Privilege Issues [Docket No. 5810] <ul style="list-style-type: none"> December 31, 2008 – Defendants’ Joint Memorandum in Support of Defendants’ Motion to Compel Relief on Outstanding Deliberative Process Privilege Issues and in Response to the Memorandum of the United States Relating to the <i>In Camera</i> Submission of Documents [Docket No. 5810-2]
State of Arizona ex rel. v. Abbott Labs., Case No. 2:06-45	n/a	D. Ariz.	<ul style="list-style-type: none"> August 11, 2006 – Plaintiff State of Arizona’s Motion for Remand [Docket No. 2974] <ul style="list-style-type: none"> August 25, 2006 – Memorandum in Support of Defendants’ Opposition to Plaintiff State of Arizona’s Motion for Remand [Docket No. 3019] October 24, 2006 – Order issued by Judge Patti B. Saris denying Motion to Remand to State Court [Docket No. 3265] October 25, 2006 – Electronic Notice from the Court to Reopen Document #2974 Motion to Remand to State Court November 9, 2006 – Defendant Dey, Inc.’s Supplemental Notice of Removal (<i>leave to file granted on November 2, 2006</i>) [Docket No. 3332] <ul style="list-style-type: none"> November 13, 2006 – Plaintiff State of Arizona’s Response to Defendant Dey, Inc.’s Supplemental Notice of Removal [Docket No. 3355] June 13, 2008 – State of Arizona’s Motion for Protective Order Limiting Scope of Discovery [Docket No. 5377] <ul style="list-style-type: none"> June 27, 2008 – Defendants’ Memorandum in Opposition to Plaintiff State of Arizona’s Motion for a Protective Order Limiting Scope of Discovery [Docket No. 5410] September 19, 2008 – Defendants’ Motion to Dismiss Plaintiff’s First Amended Complaint [Docket No. 5598] <ul style="list-style-type: none"> September 19, 2008 – Memorandum in Support of Defendants’ Motion to Dismiss First Amended Complaint [Docket No. 5599] September 19, 2008 – Biogen Idec’s Separate Memorandum in Support of Defendants’ Motion to Dismiss [Docket No. 5600] September 19, 2008 – Separate Memorandum of Merck & Co., Inc. in Support of Its

GOVERNMENT ENTITY CASES	MDL DOCKET NUMBER	ORIGINAL JURISDICTION	STATUS
State of Arizona ex rel. v. Abbott Labs., Case No. 2:06-45 (continued)			<ul style="list-style-type: none"> ○ Motion to Dismiss [Docket No. 5601] ○ December 12, 2008 – The State of Arizona’s Memorandum of Law in Opposition to Defendants’ Motion to Dismiss [Docket No. 5768] • September 19, 2008 – Defendants AstraZeneca Pharmaceuticals LP and Zeneca Inc.’s Motion to Dismiss the Plaintiff State of Arizona’s First Amended Complaint [Docket No. 5602] <ul style="list-style-type: none"> ○ September 19, 2008 – Defendants AstraZeneca Pharmaceuticals LP and Zeneca Inc.’s Individual Memorandum of Law in Support of Their Motion to Dismiss the Plaintiff State of Arizona’s First Amended Complaint [Docket No. 5603], Declaration of Katharine B. Schmeckpeper in Support of Defendants AstraZeneca Pharmaceuticals LP and Zeneca Inc.’s Motion to Dismiss the Plaintiff State of Arizona’s First Amended Complaint [Docket No. 5604] ○ December 12, 2008 – The State of Arizona’s Opposition to Defendants AstraZeneca Pharmaceuticals LP and Zeneca Inc.’s Motion to Dismiss Zoladex [Docket No. 5769]
United States ex rel. Edward West v. Ortho McNeil Pharmaceutical, Inc. et al., Case No. 1:03-8239	n/a	N.D. Ill.	<ul style="list-style-type: none"> • December 20, 2006 – Order of Transfer with Simultaneous Separation and Remand
State of South Carolina et al. v. Abbott Laboratories, Inc., Case No. 3:06-2482	n/a	D.S.C.	<ul style="list-style-type: none"> • September 25, 2006 – Conditional Transfer Order (32) transferring <i>State of South Carolina v. Abbott Laboratories, Inc.</i>, D. South Carolina, Case No. 3:06-2482, to D. Mass <ul style="list-style-type: none"> ○ November 27, 2006 - Notice of opposition to proposed transfer filed • July 24, 2007 – Order of Reference for Alternative Dispute Resolution [Docket No. 4508] <ul style="list-style-type: none"> ○ July 30, 2007 – Objection of the States of Idaho, Illinois, Kentucky, Mississippi, and South Carolina to the Court’s July 26, 2007 Order of Reference for Alternative Dispute Resolution [Docket No. 4517] ○ August 17, 2007 – Defendants’ Reply to the States of Idaho, Illinois, Kentucky, Mississippi, South Carolina, Pennsylvania and Ohio and the Counties of Erie, Oswego and Schenectady’s Submissions Responding to the Court’s July 26, 2007 Order of Reference for Alternative Dispute Resolution [Docket No. 4631]

GOVERNMENT ENTITY CASES	MDL DOCKET NUMBER	ORIGINAL JURISDICTION	STATUS
State of South Carolina, et al. v. Dey, LP, Case No. 3:06-2914	n/a	Removed to D.S.C.	<ul style="list-style-type: none"> February 7, 2007 – Final Transfer Order (33) transferring <i>State of South Carolina, et al. v. Dey, LP</i>, D. South Carolina, Case No. 3:06-2914, to D. Mass. July 24, 2007 – Order of Reference for Alternative Dispute Resolution [Docket No. 4508] <ul style="list-style-type: none"> July 30, 2007 – Objection of the States of Idaho, Illinois, Kentucky, Mississippi, and South Carolina to the Court’s July 26, 2007 Order of Reference for Alternative Dispute Resolution [Docket No. 4517] August 17, 2007 – Defendants’ Reply to the States of Idaho, Illinois, Kentucky, Mississippi, South Carolina, Pennsylvania and Ohio and the Counties of Erie, Oswego and Schenectady’s Submissions Responding to the Court’s July 26, 2007 Order of Reference for Alternative Dispute Resolution [Docket No. 4631]
State of South Carolina, et al. v. Dey, LP, Case No. 3:06-2925	n/a	Removed to D.S.C.	<ul style="list-style-type: none"> February 7, 2007 – Final Transfer Order (33) transferring <i>State of South Carolina, et al. v. Dey, LP</i>, D. South Carolina, Case No. 3:06-2925, to D. Mass. July 24, 2007 – Order of Reference for Alternative Dispute Resolution [Docket No. 4508] <ul style="list-style-type: none"> July 30, 2007 – Objection of the States of Idaho, Illinois, Kentucky, Mississippi, and South Carolina to Court’s July 26, 2007 Order of Reference for Alternative Dispute Resolution [Docket No. 4517] August 17, 2007 – Defendants’ Reply to the States of Idaho, Illinois, Kentucky, Mississippi, South Carolina, Pennsylvania and Ohio and the Counties of Erie, Oswego and Schenectady’s Submissions Responding to the Court’s July 26, 2007 Order of Reference for Alternative Dispute Resolution [Docket No. 4631]
State of Iowa v. Abbott Laboratories, Inc., et al., CA No. 07-461	n/a	S.D. Iowa	<ul style="list-style-type: none"> October 25, 2007 – Conditional Transfer Order (39) transferring <i>State of Iowa v. Abbott Laboratories, Inc., et al.</i>, Case No. 4:07-461, to D. Mass.
United States of America ex rel. Linnette Sun & Greg Hamilton v. Baxter Hemoglobin Therapeutics, et al., CA No. 05-736	n/a	D. Colorado	<ul style="list-style-type: none"> June 25, 2008 – Conditional Transfer Order (42) transferring <i>United States of America ex rel. Linnette Sun & Greg Hamilton v. Baxter Hemoglobin Therapeutics, et al.</i>, D. Colorado, Case No. 1:05-736, to D. Mass <ul style="list-style-type: none"> July 10, 2008 - Notice of opposition due

GOVERNMENT ENTITY CASES	MDL DOCKET NUMBER	ORIGINAL JURISDICTION	STATUS
The County of Orange v. Abbott Laboratories, Inc., et al., CA No. 07-2777	n/a	S.D.N.Y.	<ul style="list-style-type: none"> April 18, 2007 – Conditional Transfer Order (38) transferring <i>The County of Orange v. Abbott Laboratories, Inc., et al.</i>, Case No. 1:07-2777, to D. Mass. July 24, 2007 – Order of Reference for Alternative Dispute Resolution [Docket No. 4508] <ul style="list-style-type: none"> September 5, 2007 – Amended Order of Reference for Alternative Dispute Resolution [Docket No. 4709]
Consolidated County Case (Civil Action No. 01-CV-12257-PBS): City of New York (S.D.N.Y.) County of Albany (N.D.N.Y.) County of Allegany (W.D.N.Y.) County of Broome (N.D.N.Y.) County of Cattaraugus (W.D.N.Y.) County of Cayuga (N.D.N.Y.) County of Chautauqua (W.D.N.Y.) County of Chemung (W.D.N.Y.) County of Chenango (N.D.N.Y.) County of Columbia (N.D.N.Y.) County of Cortland (N.D.N.Y.) County of Dutchess (S.D.N.Y.) County of Essex (N.D.N.Y.) County of Fulton (N.D.N.Y.) County of Genesee (W.D.N.Y.) County of Greene (N.D.N.Y.) County of Herkimer (N.D.N.Y.) County of Jefferson (N.D.N.Y.) County of Lewis (N.D.N.Y.) County of Madison (N.D.N.Y.) County of Monroe (W.D.N.Y.) County of Nassau (E.D.N.Y.) County of Niagara (W.D.N.Y.) County of Oneida (N.D.N.Y.) County of Onondaga (N.D.N.Y.) County of Ontario (W.D.N.Y.) County of Orleans (W.D.N.Y.) County of Putnam (S.D.N.Y.) County of Rensselaer (N.D.N.Y.) County of Rockland (S.D.N.Y.)	n/a	E.D.N.Y. N.D.N.Y. S.D.N.Y. W.D.N.Y.	<ul style="list-style-type: none"> March 30, 2005 – County of Suffolk’s Motion to Renew Its Second Motion to Compel the Production of Discovery From the Schering-Plough Corporation [Docket No. 1459] <i>sub judice</i> (Magistrate Judge Bowler) <ul style="list-style-type: none"> April 6, 2005 – Schering Plough’s Opposition to County of Suffolk’s Motion to Renew Its Second Motion to Compel the Production of Discovery [Docket No. 1470] March 3, 2006 – Individual Memoranda of Each Defendant in Support of Its Motion to Dismiss (1) the Consolidated Complaint of New York City and Plaintiff Counties Other than Nassau and (2) the Second Amended Complaint of Nassau County [Docket No. 2207] (<i>individual memoranda filed by Sanofi-Synthelabo</i> [Docket No. 2220], <i>Wyeth, Sandoz Inc.</i> [Docket No. 2202], <i>Ben Venue Labs., Inc.</i> [Docket No. 2200]) <ul style="list-style-type: none"> April 17, 2006 – Plaintiffs’ Opposition to Defendants’ Individual Memorandum in Support of Motion to Dismiss (1) the Consolidated Complaint of New York City and Plaintiff Counties Other than Nassau and (2) the Second Amended Complaint of Nassau County [Docket No. 2453] May 11, 2006 – Individual Reply Memoranda of Each Defendant in Further Support of Its Motion to Dismiss (1) the Consolidated Complaint of New York City and Plaintiff Counties Other than Nassau and (2) the Second Amended Complaint of Nassau County [Docket No. 2542] (<i>individual memoranda filed by Aventis Pharmaceuticals</i> [Docket No. 2544], <i>Wyeth, Sanofi-Synthelabo</i> [Docket No. 2550], <i>Ben Venue Labs., Inc.</i> [Docket No. 2540], <i>Sandoz Inc.</i> [Docket No. 2557]) June 2, 2006 – Plaintiffs’ Joint Sur-Reply in Further Opposition to Defendants’ Individual Motions to Dismiss [Docket No. 2638] September 18, 2006 – Notice of Filing of Brief of the Attorney General of the State of New York as Amicus Curiae [Docket No. 3114] October 12, 2006 – Defendants’ Response to the Brief of the Attorney General of the State of New York as Amicus Curiae and to Plaintiffs’ Post-Oral Argument Submissions [Docket No. 3210] February 9, 2007 – Notice of Supplemental Authority in Further Opposition to Defendants’ Motion to Dismiss the Consolidated Complaint of New York City and New York Counties Other than Nassau [Docket No. 3758] July 11, 2007 – Plaintiffs’ Omnibus Memorandum in Opposition to the Individual

GOVERNMENT ENTITY CASES	MDL DOCKET NUMBER	ORIGINAL JURISDICTION	STATUS
<p>County of St. Lawrence (N.D.N.Y.)</p> <p>County of Saratoga (N.D.N.Y.)</p> <p>County of Schuyler (W.D.N.Y.)</p> <p>County of Seneca (W.D.N.Y.)</p> <p>County of Steuben (W.D.N.Y.)</p> <p>County of Suffolk (E.D.N.Y.)</p> <p>County of Tompkins (N.D.N.Y.)</p> <p>County of Ulster (N.D.N.Y.),</p> <p>County of Warren (N.D.N.Y.)</p> <p>County of Washington (N.D.N.Y.)</p> <p>County of Wayne (W.D.N.Y.)</p> <p>County of Westchester (S.D.N.Y.)</p> <p>County of Wyoming (W.D.N.Y.)</p> <p>County of Yates (W.D.N.Y.)</p>			<p>Defendant's Renewed Motions to Dismiss [Docket No. 4453]</p> <ul style="list-style-type: none"> ○ July 24, 2007 – Plaintiffs' Omnibus Sur-Reply to the Individual Defendant's Renewed Motions to Dismiss [Docket No. 4499] <ul style="list-style-type: none"> • July 24, 2007 – Order of Reference for Alternative Dispute Resolution [Docket No. 4508] • March 4, 2008 – New York State Department of Health, Mark Richard Butt, Mary Alice Brankman, Michael A. Falzano and Plaintiffs' Cross-Motion to Quash Subpoenas Issued by Defendants to the New York State Department of Health and/or its Current and Former Employees [Docket No. 5120] <ul style="list-style-type: none"> ○ March 4, 2008 – Memorandum of Law in Opposition to Defendants' Motion to Compel and in Support of Movants' Cross Motion to Quash Subpoenas Issued by Defendants to the New York State Department of Health and/or its Current and Former Employees [Docket No. 5121] ○ March 21, 2008 – Defendants' Joint Memorandum in Opposition to Movants' Cross-Motion to Quash and in Further Support of Defendants' Motion to Compel Subpoenas Issued by Defendants to the New York State Department of Health and Three Key Witnesses [Docket No. 5154] ○ March 25, 2008 – Unopposed Motion for Leave to File Reply Memorandum in Further Support of Plaintiffs' Cross Motion to Quash Subpoenas Issued by Defendants to the New York State Department of Health and/or its Current and Former Employees [Docket No. 5163] ○ April 4, 2008 – Reply Memorandum of Law in Further Support of Movants' Cross-Motion to Quash all Subpoenas Issued by Defendants to the New York State Department of Health and/or Its Current and Former Employees [Docket No. 5199] • June 18, 2008 – Stipulation Extending the Time for Serono, Inc., N/K/A EMD Serono, Inc., to Answer, Move, or Otherwise Respond to the Revised First Amended Consolidated Complaint [Docket No. 5390] • August 22, 2008 – Stipulated Extension of Time for the Filing of Amgen Inc.'s Answer to Plaintiffs' Revised First Amended Consolidated Complaint [Docket No. 5515] • August 28, 2008 – Stipulated Extension of Time for the Filing of Endo Pharmaceuticals Inc.'s Answer to Plaintiffs' Revised First Amended Consolidated Complaint [Docket No. 5524] • October 28, 2008 – Further Stipulated Extension of Time for the Filing of Endo Pharmaceuticals Inc.'s Answer to Plaintiffs' Revised First Amended Consolidated Complaint [Docket No. 5650]

GOVERNMENT ENTITY CASES	MDL DOCKET NUMBER	ORIGINAL JURISDICTION	STATUS
			<ul style="list-style-type: none"> • November 21, 2008 – Proposed Order of Voluntary Dismissal (Aventis) [Docket No. 5699] • November 24, 2008 – Defendant SmithKline Beecham Corporation d/b/a GlaxoSmithKline’s (“GSK’s”) Motion for Partial Summary Judgment in the New York County Cases [Docket No. 5706] <ul style="list-style-type: none"> ○ November 24, 2008 – Memorandum in Support of Defendant SmithKline Beecham Corporation d/b/a GlaxoSmithKline’s (“GSK’s”) Motion for Partial Summary Judgment in the New York County Cases [Docket No. 5707], Statement of Undisputed Material Facts in Support of Defendant SmithKline Beecham Corporation d/b/a GlaxoSmithKline’s (“GSK’s”) Motion for Partial Summary Judgment in the New York County Cases [Docket No. 5708] • December 19, 2008 – Stipulation Extending the Time for Serono, Inc., N/K/A EMD Serono, Inc., to Answer, Move, or Otherwise Respond to the Revised First Amended Consolidated Complaint Until January 20, 2009 [Docket No. 5798] • December 19, 2008 – Further Stipulated Extension of Time for the Filing of Endo Pharmaceuticals Inc.’s Answer to Plaintiffs’ Revised First Amended Consolidated Complaint [Docket No. 5799]

MDL 1456 STATUS CHART – PRIVATE CLASS CASES

PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL JURISDICTION	STATUS
Master Consolidated Class Action	Master File 01-CV-12257-PBS	D. Mass. pursuant to JPML Order	<ul style="list-style-type: none"> • May 3, 2004 – Plaintiffs’ Motion to Compel the Production of Documents Created During the Relevant Time Period from Defendants Abbott Laboratories, AstraZeneca, Schering Plough, Sicom and Together Rx Defendants <i>sub judice</i> (Magistrate Judge Bowler) [Docket No. 826] <ul style="list-style-type: none"> ○ May 17, 2004 – Certain Defendants’ Notice of Opposition to Plaintiffs’ Motion to Compel the Production of Certain Documents and Consent Motion for an Extension of Time [Docket No. 838] ○ May 26, 2004 – Notice of Withdrawal of Plaintiffs’ Motion to Compel the Production of Documents Created During the Relevant Time Period Directed at Defendant Schering-Plough (<i>Note: withdrawal applies only to Schering-Plough</i>) [Docket No. 851] ○ May 27, 2004 – Consent Motion for an Extension of Time to Oppose the Motion to Compel [Docket No. 855] ○ May 27, 2004 – Opposition of the Together Rx Defendants to Plaintiffs’ Motion to Compel the Production of Documents [Docket No. 854] ○ May 28, 2004 – Notice of Withdrawal of Plaintiffs’ Motion to Compel the Production of Documents Created During the Relevant Time Period Directed at Defendant Abbott Laboratories (<i>Note: withdrawal applies only to Abbott Laboratories</i>) [Docket No. 857] ○ June 8, 2004 – Notice of Withdrawal of Plaintiffs’ Motion to Compel the Production of Documents Created During the Relevant Time Period Directed at Defendant AstraZeneca. (<i>Note: withdrawal applies only to AstraZeneca</i>) [Docket No. 863] ○ June 9, 2004 – Plaintiffs’ Reply Memorandum in Support of Motion to Compel the Production of Documents Created During the Relevant Time Period from the Together Rx Defendants [Docket No. 864] ○ June 22, 2004 – Order granting Plaintiffs’ Motion to Withdraw Motion to Compel Directed at Abbott Laboratories [Electronic Order] ○ Awaiting scheduling of hearing or ruling by Court as to Together Rx Defendants ○ February 23, 2005 – Third Party Schaller Anderson Inc.’s Objection and Motion to Quash Plaintiffs’ Subpoena • June 14, 2005 – Defendant Sicom Inc. and Sicom Pharmaceuticals, Inc.’s

PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL JURISDICTION	STATUS
Master Consolidated Class Action (continued)			<p>Motion for Protective Order with Memorandum in Support <i>sub judice</i> (Magistrate Judge Bowler) [Docket No. 1555]</p> <ul style="list-style-type: none"> ○ June 28, 2005 – Plaintiffs’ Response to Sicor’s Motion for Protective Order [Docket No. 1568] ○ July 6, 2005 – Motion for Leave to File Reply to Plaintiffs’ Response to Sicor’s Motion for Protective Order [Docket No. 1580] <p>• November 9, 2005 – Plaintiffs’ Motion for Order Exempting Defendant Abbott Laboratories from Any Order Refusing to Extend Deadline for Track Two Discovery [Docket No. 1875]</p> <ul style="list-style-type: none"> ○ November 23, 2005 – Defendant Abbott Laboratories’ Opposition to Plaintiffs’ Motion for Order Exempting Defendant Abbott Laboratories from Any Order Declining to Extend Deadline for Track Two Discovery [Docket No. 1904] ○ December 1, 2005 – Plaintiffs’ Letter to Magistrate Judge Bowler Requesting Postponement of Hearing until Track Two Discovery Issues Resolved <p>• November 28, 2005 – Plaintiffs’ Motion for Clarification of Case Management Order #16 [Docket No. 1912]</p> <ul style="list-style-type: none"> ○ November 30, 2005 – Certain Track II Defendants’ Request for Expedited Hearing [Docket No. 1923] ○ November 30, 2005 – Response of Defendant Watson Pharma, Inc. to Plaintiffs’ “Motion for Clarification of Case Management Order #16” [Docket No. 1924] ○ December 1, 2005 – Order re: Plaintiffs’ Motion for Clarification of Case Management Order #16 [Docket No. 1925] ○ December 9, 2005 – Track II Defendants’ Submission Regarding Discovery Schedule [Docket No. 1950] ○ December 9, 2005 – Watson Pharmaceuticals, Inc.’s Response to Court Order Regarding Discovery Schedule [Docket No. 1951] ○ December 9, 2005 – Defendants Baxter Healthcare Corporation and Baxter International Inc.’s Memorandum Regarding Track II Discovery Schedule [Docket No. 1952] ○ December 9, 2005 – Plaintiffs’ Memorandum in Support of Their Proposed Track II Discovery Schedule [Docket No. 1953] ○ December 15, 2005 – Plaintiffs’ Reply to Watson Pharmaceuticals, Inc.’s Response to Court Order Regarding Discovery Schedule [Docket No. 1964] ○ December 16, 2005 – Watson Pharmaceuticals, Inc.’s Motion for

PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL JURISDICTION	STATUS
Master Consolidated Class Action (continued)			<p>Leave to File Reply Memorandum in Support of Its Response to Court Order Regarding Discovery Schedule [Docket No. 1970]</p> <ul style="list-style-type: none"> • February 16, 2006 – Dey, Inc.’s and Abbott Laboratories’ Objections to the Order of Chief Magistrate Judge Bowler Issued on February 4, 2006 Pursuant to Fed. R. Civ. P. Rule 72(a) [Docket No. 2140] <ul style="list-style-type: none"> ○ February 22, 2006 – Plaintiffs’ Assented-to Motion for Leave to Reply to Dey, Inc.’s and Abbott Laboratories’ Objections to the Order of Chief Magistrate Judge Bowler Issued on February 4, 2006 to File Such Reply Until March 8, 2006 [Docket No. 2148] ○ March 8, 2006 – Plaintiffs’ Motion for Leave to File Plaintiffs’ Opposition to Dey, Inc.’s and Abbott Laboratories’ Objections to Chief Magistrate Judge Bowler’s Order Denying Further Discovery of Massachusetts Health Plans [Docket No. 2237] ○ March 8, 2006 – Plaintiffs’ Opposition to Dey, Inc.’s and Abbott Laboratories’ Objections to Chief Magistrate Judge Bowler’s Order Denying Further Discovery of Massachusetts Health Plans [Docket No. 2238] • February 21, 2006 – United Healthcare, Inc. and United HealthCare Insurance Co.’s Limited Objections to Magistrate Judge’s Order Granting Defendants’ Motion to Compel [Docket No. 2144] <ul style="list-style-type: none"> ○ March 10, 2006 – Defendants’ Response to Third Party United Healthcare, Inc. and United HealthCare Insurance Company’s Objections to Chief Magistrate Judge Bowler’s Order Granting Defendants’ Motion to Compel [Docket No. 2243] • May 8, 2006 – Plaintiffs’ Motion to Certify Claims with Respect to Track 2 Defendants [Docket No. 2522] <ul style="list-style-type: none"> ○ May 16, 2006 – Plaintiffs’ Motion for Leave to Join Harold Bean as a Plaintiff and a Proposed Class Representative [Docket No. 2584] <ul style="list-style-type: none"> ▪ May 19, 2006 – Track Two Defendants’ Opposition to Plaintiffs’ Motion for Leave to Join Harold Bean as a Plaintiff and Class Representative [Docket No. 2590] ▪ May 24, 2006 – Warrick Pharmaceuticals Corp.’s Opposition to Plaintiffs’ Motion for Leave to Join Harold Bean as a Plaintiff and Class Representative [Docket No. 2599] ○ May 16, 2006 – Track Two Defendants’ Motion to Strike Harold

PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL JURISDICTION	STATUS
Master Consolidated Class Action (continued)			<p>Bean as a Proposed Class Representative [Docket No. 2582]</p> <ul style="list-style-type: none"> ▪ May 26, 2006 – Plaintiffs’ Memorandum in Opposition to Motion to Strike Harold Bean as a Proposed Class Representative [Docket No. 2608] ○ June 15, 2006 – Defendants’ Individual Memoranda of Law in Opposition to Track 2 Class Certification (<i>individual memorandum filed by each of the Track 2 Defendants</i>) (Redacted versions filed in last week of June/first week of July 2006) [Docket No. 2687] ○ July 19, 2006 – Plaintiffs’ Reply Memorandum in Support of Motion to Certify Claims With Respect to Track 2 Defendants [Docket No. 2889] ○ August 4, 2006 – Track Two Proposal Concerning the Appointment of a Neutral Expert to Advise the Court on Track Two Class Certification [Docket No. 2957] ○ August 7, 2006 – Plaintiffs’ Response to Track Two Proposal Concerning the Appointment of a Neutral Expert to Advise the Court on Track Two Class Certification [Docket No. 2964] ○ August 25, 2006 – Track Two Defendants’ Memorandum Regarding Harold Bean, in Further Opposition to Class Certification [Docket No. 3018] ○ August 25, 2006 – Track Two Defendants’ Memorandum in Opposition to Class Certification [Docket No. 3020] ○ September 5, 2006 – Plaintiff’s Response to Track 2 Defendants’ Memorandum Regarding Harold Bean [Notice of Filing Under Seal - Docket No. 3063], Declaration of Donald E. Haviland [Docket No. 3065] ○ September 6, 2006 – Track Two Defendants’ Notice of Supplemental Evidence Relevant to Class Certification [Docket No. 3071] ○ September 11, 2006 – Track Two Defendants’ Supplemental Filing Regarding the Track Two Defendants’ Motion for Leave to File the Rebuttal Declaration of Steven J. Young in Support of Track 2 Defendants’ Opposition to Class Certification or, in the Alternative, Motion to Strike the Hartman Track 2 Dyckman Rebuttal, Hartman Track 2 Young Rebuttal and the Rosenthal Rebuttal) [Notice of Filing Under Seal - Docket No. 3093] ○ September 11, 2006 – Track Two Defendants’ Notice of Supplemental Authority Relevant to Class Certification [Docket No. 3094] ○ October 16, 2006 – Class Plaintiffs’ Submission of the “Generics

PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL JURISDICTION	STATUS
Master Consolidated Class Action (continued)			<p>Chart” Pursuant to the Oral Request of the Court During the Class Certification Hearing in Connection with Track 2 (corrected October 17, 2006) [Docket No. 3220; Corrected Docket No. 3223]</p> <ul style="list-style-type: none"> ○ December 21, 2006 – Track Two Defendants’ Motion to Strike the “Generics Chart” and Proposed Track Two Class Certification Order Submitted by Plaintiffs’ in Support of Their Motion for Class Certification [Docket No. 3499] ○ July 25, 2007 – Defendant Amgen Inc.’s Supplemental Memorandum in Opposition to Class Certification [Docket No. 4506] ○ August 8, 2007 – Class Plaintiffs’ Response to Amgen and Watson’s Supplemental Opposition to Class Certification [Docket No. 4609] ○ August 23, 2007 – Memorandum of Plaintiffs and Class 1 Representatives Harold Carter, Rev. David Aaronson, and Harold Bean in Response to Defendant Amgen, Inc.’s Supplemental Memorandum in Opposition to Class Certification [Docket No. 4641] ○ August 31, 2007 – Plaintiffs’ Supplemental Memorandum in Support of Track 2 Class Certification Regarding State Law Issues [Docket No. 4675] <ul style="list-style-type: none"> ▪ September 21, 2007 – Individual Memorandum of Aventis Pharmaceuticals Inc. in Opposition to Plaintiffs’ Supplemental Memorandum in Support of Track 2 Class Certification Regarding State Law Issues [Docket No. 4738] ▪ September 21, 2007 – Response of Defendants Amgen Inc. and Watson Pharmaceuticals, Inc. to Plaintiffs’ Supplemental Memorandum in Support of Track 2 Class Certification Regarding State Law Issues [Docket No. 4740] ○ September 7, 2007 – Plaintiffs’ Submission of Supplemental Authority Relating to Track 2 Class Certification and State Law Issues [Docket No. 4691] ○ September 14, 2007 – Watson Pharmaceuticals, Inc.’s Response to Class Plaintiffs’ Response to Amgen and Watson’s Supplemental Opposition to Class Certification [Docket No. 4716] <ul style="list-style-type: none"> • June 22, 2006 – Plaintiffs’ Motion to Quash May 18, 2006 Amended Notice of Deposition of Harvey Weintraub Filed by Defendant Warrick Pharmaceuticals Corporation [Docket No. 2755] <ul style="list-style-type: none"> ○ June 22, 2006 – Plaintiffs’ Motion for Leave to File Under Seal Plaintiffs’ Memorandum and Exhibit 1 to the Declaration of Steve

PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL JURISDICTION	STATUS
Master Consolidated Class Action (continued)			<p>W. Berman in Support of Motion to Quash May 18, 2006 Amended Notice of Deposition of Harvey Weintraub Filed by Defendant Warrick Pharmaceuticals Corporation [Docket No. 2754]</p> <ul style="list-style-type: none"> ○ July 6, 2006 – Warrick’s Memorandum in Opposition to Certain Plaintiffs’ Motion to Quash May 18, 2006 Amended Notice of Deposition of Harvey Weintraub and in Support of Cross Motion for Leave to Take Deposition of Harvey Weintraub for Purposes of Preservation of Testimony [Docket No. 2840] ○ July 20, 2006 – Plaintiffs’ Memorandum in Opposition to Warrick Pharmaceuticals Corporation’s Cross-Motion for Leave to Take the Deposition of Harvey Weintraub for Purposes of Preservation of Testimony [Docket No. 2898] ○ August 3, 2006 – Warrick Pharmaceuticals Corporation’s Reply Memorandum in Support of Its Cross Motion for Leave to Take the Deposition of Harvey Weintraub for Purposes of Preservation of Testimony [Docket No. 2950-2] <ul style="list-style-type: none"> • November 2, 2006 – Defendant Immunex Corporation’s Objections to October 23, 2006 Order by Chief Magistrate Judge Bowler Regarding Immunex’s Motion for Protective Order Regarding May 17, 2006, Deposition Notice [Docket No. 3303] <ul style="list-style-type: none"> ○ November 9, 2006 – Plaintiffs’ Memorandum In Response to Immunex Corporation’s Objections to October 23, 2006 Order by Chief Magistrate Judge Bowler Denying Immunex’s Motion for Protective Order [Notice of Filing Under Seal – Docket No. 3331] • November 6, 2006 – Plaintiffs’ Objections to the October 23, 2006 Order by Chief Magistrate Bowler Re: Amgen Inc.’s Motion for Protective Order Relating to Plaintiffs’ Rule 30(b)(6) Deposition Notice Regarding Sales and Marketing [Docket No. 3323] <ul style="list-style-type: none"> ○ November 14, 2006 – Amgen Inc.’s Response to Plaintiffs’ Objections to Chief Magistrate Judge Bowler’s October 23, 2006 Order Granting Amgen Inc.’s Motion for Protective Order [Docket No. 3361] • February 22, 2007 – Plaintiffs’ Objections to February 12, 2007 Order by Magistrate Judge Bowler Granting Defendant Abbott Laboratories’ Motion for Protective Order and Motion to Quash Plaintiffs’ Third Party Subpoenas [Docket No. 3802] <ul style="list-style-type: none"> ○ March 8, 2007 – Abbott Laboratories Response to Plaintiffs’

PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL JURISDICTION	STATUS
Master Consolidated Class Action (continued)			<p>Objections to February 12, 2007 Order by Magistrate Judge Bowler Granting Defendant Abbott Laboratories' Motion for Protective Order and Motion to Quash Plaintiffs' Third Party Subpoenas [Docket No. 3837]</p> <ul style="list-style-type: none"> ○ March 23, 2007 – Plaintiffs' Reply Brief in Support of Their Objections to February 12, 2007 Order by Magistrate Judge Bowler Granting Defendant Abbott Laboratories' Motion for Protective Order and Motion to Quash Plaintiffs' Third Party Subpoenas [Docket No. 3915] • March 22, 2007 – Declaration of G. Raymond Pironti, Jr. Regarding Time Expended for Preparing Direct Testimony via Declaration and Traveling from Tampa, Florida to Boston Pursuant to Subpoena to Appear for Trial Testimony and Request for Reimbursement [Docket No. 3945] • July 13, 2007 – Notice of Submission to Court of Declaration and Request for Determination of Proprietary Filing Under Seal [Docket No. 4460] <ul style="list-style-type: none"> ○ July 27, 2007 – Class Counsel's Response to the Declaration of Donald E. Haviland, Jr. In Response to Court Directive Concerning AstraZeneca Settlement [Docket No. 4510] ○ August 24, 2007 – Declaration of Donald E. Haviland, Jr., in Response to Court Directive Concerning the AstraZeneca Settlement [Docket No. 4660] • August 2, 2007 – Track Two Defendants' Proposed "Road Map" for the Next Phase of Case Preparation, Mediation and Trial [Docket No. 4589] <ul style="list-style-type: none"> ○ August 1, 2007 – BMS' Brief on Pre-Judgment Interest [Docket No. 4534] ○ August 1, 2007 – Warrick Pharmaceuticals Corporation's Memorandum Regarding Class 2 Damages [Docket No. 4537] • August 2, 2007 – Class Plaintiffs' Proposed "Road Map" to Govern Track 2 Proceedings [Docket No. 4590] <ul style="list-style-type: none"> ○ August 6, 2007 – Track 2 Defendants' Response to Plaintiffs' Proposed "Road Map" for Track 2 Proceedings [Docket No. 4599] ○ August 6, 2007 – Watson's Opposition to Class Plaintiffs' Proposed "Road Map" [Docket No. 4601] • August 30, 2007 – Plaintiffs' Supplemental Submission Regarding State Consumer Protection Act Pre-Suit Demand Requirements [Docket No. 4671]

PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL JURISDICTION	STATUS
Master Consolidated Class Action (continued)			<ul style="list-style-type: none"> • September 7, 2007 – Warrick Pharmaceuticals Corporation’s Post-Damages Hearing Submission Concerning Liability and Declaratory Relief [Docket No. 4693] • October 23, 2008 – Plaintiffs’ Offer of Proof Regarding Standing of Pirelli Armstrong Tire Corporation Retiree Medical Benefits Trust [Docket No. 5641] <ul style="list-style-type: none"> ○ December 16, 2008 – Plaintiffs’ Amended Offer of Proof Regarding Standing of Pirelli Armstrong Tire Corporation Retiree Medical Benefits Trust [Docket No. 5781] • November 20, 2008 – [Proposed] Consolidated Order Re: Motion for Nationwide Certification Relating to AstraZeneca and the BMS Group [Docket No. 5691] <ul style="list-style-type: none"> ○ November 24, 2008 – Objection by AstraZeneca Pharmaceuticals LP to the Proposed Order Submitted by Plaintiffs With Respect to the Certification Under Rule 23 of Multistate Cases [Docket No. 5705] ○ November 25, 2008 – Objection by Bristol-Myers Squibb Company to the Proposed Order Submitted by Plaintiffs With Respect to the Certification Under Rule 23 of Multistate Cases [Docket No. 5709] ○ November 21, 2008 – Joint Motion by AstraZeneca Pharmaceuticals LP and Bristol-Myers Squibb Company to Stay Entry of Multistate Class Certification Order Pending Appeal of Massachusetts Class Judgment [Docket No. 5700] ○ December 2, 2008 – Plaintiffs’ Memorandum in (I) Opposition to Joint Motion by AstraZeneca and BMS to Stay Entry of Multi-State Class Certification Order Pending Appeal of Massachusetts Class Judgment and (II) Response to Objections by AstraZeneca and BMS to Entry of Order [Docket No. 5731] ○ December 9, 2008 – AstraZeneca Pharmaceutical LP’s and Bristol-Myers Squibb Company’s Motion for Leave to File the Attached Reply in Support of Motion to Stay Entry of Multistate Class Certification Order and in Support of Objections to the Proposed Order [Docket No. 5753] • November 21, 2008 – Class Plaintiffs’ Report to the Court Regarding Notice in the Track Two Settlement and Motion to Reset Certain Dates Related to Consumer Claims [Docket No. 5703] <ul style="list-style-type: none"> ○ November 26, 2008 – Response of Consumer Plaintiffs to Class

PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL JURISDICTION	STATUS
Master Consolidated Class Action (continued)			<p>Plaintiffs' Report to the Court Regarding Notice in the Track Two Settlement and Motion to Reset Certain Dates Related to Consumer Claims [Docket No. 5715]</p> <ul style="list-style-type: none"> o November 28, 2008 – Objecting Class Member James W. Wilson's Objection to Court's Approval of the Settlement and Attorneys' Fees [Docket No. 5738] o December 1, 2008 – Letter from Donald Haviland o December 1, 2008 – Objection to Class Action Settlement and Notice of Intent to Appear of Class Member Patricia Weatherly [Docket No. 5744] o December 9, 2008 – Class Plaintiffs' Report to the Court Regarding Notice in the Track Two Settlement and Motion to Reset Certain Dates Related to Filing of Claims as well as Final Fairness Hearing for Consumers and TPPs [Docket No. 5766] o December 23, 2008 – Notice of Filing Proposed Order Revising Certain Dates Related to the Track Two Settlement [Docket No. 5803]